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10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA, ) No. 06-70633-WDB  
14 Plaintiff, )  
15 v. ) **ORDER RE: PROCEEDINGS ON OUT-OF  
16 BRETT BARRY WHITMORE, ) DISTRICT CRIMINAL CHARGES  
17 Defendant. ) PURSUANT TO RULES 5(c)(2) AND (3)  
18 ) OF THE FEDERAL RULES OF  
19 ) CRIMINAL PROCEDURE  
20 )  
21 )**

**ORDER**

22 It is ORDERED that the defendant, BRETT BARRY WHITMORE, appear before the  
23 Honorable Carl Horn III, U.S. Magistrate Judge, Magistrate Courtroom, Charles R. Jonas Federal  
24 Building, 401 West Trade Street, Charlotte, North Carolina, on Thursday, November 9, 2006 at 9:30  
25 a.m. to make his initial appearance on the superseding indictment pending against him in the  
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1 Western District of North Carolina in Case Number 3:05CR345-Conrad.

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4 DATED: October 24, 2006

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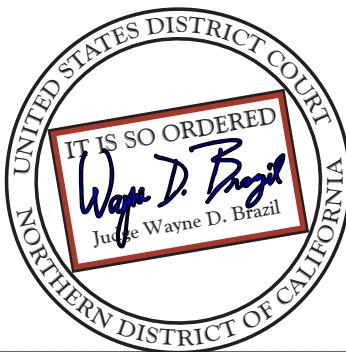
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HON. WAYNE D. BRAZIL  
UNITED STATES MAGISTRATE JUDGE